

Appl. No. 09/576,269
Amdt. dated March 24, 2005
Reply to Office Action of January 26, 2005

REMARKS

Claims 1, 2, 4-34, 36-45, and 47-51 are pending. Claims 3, 35, and 46 have been cancelled in previous Office Action responses. Claims 1-3, 25-28, 32, 35, and 42 are rejected under 35 U.S.C. §102. Claims 45 and 46 are rejected under 35 U.S.C. §102 as being anticipated by or, in the alternative, under 35 U.S.C. §103. Claims 4, 29, 36, 47, and 48 are rejected under 35 U.S.C. §103. Claims 1, 32, and 45 have been amended. Support for the amendment to these claims is found in the first and second paragraphs of the Detailed Description of the Preferred Embodiments. Claims 5-24, 30, 31, 33, 34, 37-41, 43, 44, and 49-51 are cancelled without prejudice. Claims 1, 2, 4, 25-29, 32, 36, 42, 45, 47, and 48 remain for consideration upon entry of the present Amendment. No new matter has been added.

Claims 1-3, 25-28, 32, 35, and 42 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,551,388 to Gross (hereinafter "Gross"). Claims 1 and 32 have been amended. In view of the amendments made to claims 1 and 32, the rejections thereof are traversed and reconsideration is respectfully requested.

Claim 1 of the present application recites a lubricating shaving assembly comprising a grippable body having an upper end, a lower end, and one or more side walls extending between the upper and lower ends. The body includes a storage reservoir for holding a shaving preparation, the storage reservoir being substantially enclosed by the upper and lower ends and the one or more side walls of the body. The upper end of the body has a razor cartridge receiving area for attaching one or more razor cartridges thereto, each of the razor cartridges including at least one razor blade. The upper end of the body further includes a plurality of openings adjacent to and at least partially surrounding the razor cartridge receiving area, the openings being positioned such that when a razor cartridge is located in the razor cartridge receiving area, the openings at least partially surround the razor blades defined by the razor cartridge, and wherein the openings are in communication with the storage reservoir. The shaving assembly also comprises a pedestal disposed within the storage reservoir, wherein the pedestal is selectively movable between the lower and upper ends of the body for dispensing the fluid shaving preparation through the plurality of openings at the upper end of the body.

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Claim 32 of the present application recites a shaving assembly comprising a handle having an upper end, a lower end, and a substantially enclosed storage reservoir between the upper and lower ends, the storage reservoir for holding a fluid shaving preparation, the upper end of the handle having a razor cartridge receiving area for having one or more razor cartridges attached thereto, each of the razor cartridges including at least one razor blade, the upper end of the handle further including a plurality of openings adjacent to and at least partially surrounding the razor cartridge receiving area, the openings being positioned such that when a razor cartridge is located in the razor cartridge receiving area, the openings at least partially surround the razor blades defined by the razor cartridge, and wherein the openings are in communication with the storage reservoir, and a pedestal disposed within the storage reservoir and movable toward the upper end of the handle for urging the fluid shaving preparation through the plurality of openings.

Gross is directed to a fountain safety razor comprising a hollow handle member 4 and a cutting blade B. The hollow handle member 4 is in communication with a distributing chamber 3 that is defined by a guard plate 1 to which the cutting blade B is attached. The guard plate 1 has teeth 2 provided along longitudinal edges thereof. Passageways or openings 5 are formed between the teeth 2 to provide communication to the distributing chamber 3. A piston 6 disposed in the hollow handle member 4 is operable by a user to provide reciprocal movement to force shaving cream in the distributing chamber 3 through the openings 5.

Gross fails to disclose, teach, or suggest a shaving assembly having a plurality of openings adjacent to and at least partially surrounding the razor cartridge receiving area, the openings being positioned such that when a razor cartridge is located in the razor cartridge receiving area, the openings at least partially surround the razor blades defined by the razor cartridge, as recited in amended claims 1 and 32. More specifically, in Gross, the blade B extends laterally outward from the openings 5. Thus, the openings 5 do not surround the blade B in the Gross invention as they do in the present invention recited in claims 1 and 32. In the shaving assembly of the present invention, as recited in claims 1 and 32, the openings at least partially surround the blade. Structure in which the razor blade is positioned in the razor cartridge receiving area such that the blade is at least partially surrounded by the openings, as recited in the claims, is different from structure in which the blade extends outward from the openings, as in Gross. Accordingly, the present invention as recited in the amended claims 1 and 32 is patentably distinct from the invention recited in Gross.

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To anticipate a claim under 35 U.S.C. §102, a single reference must disclose each and every element of the claimed invention. Absence from the reference of any claimed element negates anticipation. Because Gross fails to disclose, teach, or suggest a shaving assembly having a plurality of openings adjacent to and at least partially surrounding the razor cartridge receiving area, the razor cartridge receiving area having one or more razor cartridges, each having at least one razor blade, the openings being positioned such that when a razor cartridge is located in the razor cartridge receiving area, the openings at least partially surround the razor blades, as is recited in claims 1 and 32, neither claim 1 nor claim 32 is anticipated by the Gross reference. For at least these reasons, claims 1 and 32 are allowable, and Applicants respectfully request that the Examiner withdraw the rejections of claims 1 and 32.

Dependent claims, by definition, further define the subject matter of the independent claims from which they depend. Because claims 2, 4, and 25-29 depend from claim 1, claims 2, 4, and 25-29 add recitations that further define the subject matter of independent claim 1. Because claim 1 is believed to be allowable for at least the reasons presented above, claims 2, 4, and 25-29 are therefore also believed to be allowable. Consequently, Applicants respectfully request that the rejections of claims 2, 4, and 25-29 be withdrawn.

Furthermore, because claim 42 depends from claim 32, claim 42 adds recitations that further define the subject matter of independent claim 32. Because claim 32 is believed to be allowable for at least the reasons presented above, claim 42 is therefore also believed to be allowable. Consequently, Applicants respectfully request that the rejections of claim 42 be withdrawn.

Claims 45 and 46 are rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over Gross. The Examiner alleges that Gross discloses a shaving assembly with every structural limitation of the claimed invention. The Examiner alleges that, in the alternative, Official Notice is taken that such a handle configuration is old and well known in the art and that it provides various known benefits relative to round handle configurations. The Examiner then alleges that it therefore would have been obvious to one having ordinary skill in the art to provide a plurality of side walls for the well known benefits described.

Claim 45 of the present application recites a lubricating shaving assembly comprising a dispenser having an upper end, a lower end, and side walls extending between the upper and lower ends, the dispenser including a storage reservoir for holding a fluid shaving

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preparation; a cap removably secured to the upper end of the dispenser, wherein the storage reservoir is surrounded by the lower end and side walls of the dispenser and by the cap; an upper end of the cap having a razor cartridge receiving area for having one or more razor cartridges secured within the receiving area, each of the razor cartridges including at least one razor blade, the upper end of the cap further including a plurality of apertures adjacent to and at least partially surrounding the razor cartridge receiving area, the apertures being positioned such that when a razor cartridge is located in the razor cartridge receiving area, the plurality of apertures at least partially surround the razor blades defined by the razor cartridge, and wherein the apertures are in communication with the storage reservoir; and a pedestal disposed within the storage reservoir of the dispenser, wherein the pedestal is selectively movable toward the cap for dispensing fluid shaving preparation through the plurality of apertures at the upper end of the cap.

The teachings of Gross are presented above.

Gross fails to disclose teach, or suggest a shaving assembly having a plurality of apertures adjacent to and at least partially surrounding the razor cartridge receiving area, the apertures being positioned such that when a razor cartridge is located in the razor cartridge receiving area, the apertures at least partially surround razor blades defined by the razor cartridge, as recited in amended claim 45. As stated above, in Gross, the blade B extends laterally outward from the openings 5, and therefore the openings 5 do not surround the blade B as they do in the present invention recited in claim 45. In a shaving assembly having a plurality of apertures adjacent to and at least partially surrounding the razor cartridge receiving area, the apertures being positioned such that when a razor cartridge is located in the razor cartridge receiving area, the apertures at least partially surround razor blades defined by the razor cartridge, as is recited in claim 45. Structure in which the razor blade is positioned in the razor cartridge receiving area such that the blade is surrounded by the apertures is different from structure in which the blade extends outward from the openings, as in Gross. Accordingly, the present invention as recited in amended claim 45 is patentably distinct from the invention recited in Gross.

As stated above, to anticipate a claim under 35 U.S.C. §102, a single reference must disclose each and every element of the claimed invention. Absence from the reference of any claimed element negates anticipation. Because Gross fails to disclose, teach, or suggest a shaving assembly having a plurality of apertures adjacent to and at least partially surrounding the razor cartridge receiving area, the apertures being positioned such that when a razor

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cartridge is located in the razor cartridge receiving area, the apertures at least partially surround razor blades defined by the razor cartridge, as recited in amended claim 45, claim 45 is not anticipated by the Gross reference. For at least this reason, claim 45 is allowable, and Applicants respectfully request that the Examiner withdraw the rejection of claim 45.

Furthermore, to establish a *prima facie* case of obviousness for a claimed invention, all the claim limitations must be taught or suggested by the prior art. Because Gross fails to disclose, teach, or suggest what Applicants claim in their amended claim 45, viz., a shaving assembly having a plurality of apertures adjacent to and at least partially surrounding the razor cartridge receiving area, the razor cartridge receiving area having at least one razor blade positioned therein, Gross fails to teach all of the claim limitations of Applicants' invention. Consequently, because not all of the claim recitations are taught by the cited reference, Applicants' amended claim 45 is necessarily non-obvious, and Applicants respectfully request that the Examiner withdraw the rejection of claim 45 for this reason.

Claims 4, 29, 36, 47, and 48 are also rejected under 35 U.S.C. §103(a) as being obvious over Gross. The Examiner alleges that Gross discloses a shaving assembly having almost every structural limitation of the claimed invention but that Gross lacks openings/apertures within the razor cartridge receiving area and that Gross lacks the razor cartridges being permanently secured to the cap of the body. The Examiner takes Official Notice that such openings/apertures are known and that it is old and well known to provide such a razor configuration for various allegedly well known benefits including providing a cartridge configuration for improved safety in handling razors. The Examiner further alleges that it would have been obvious to one of ordinary skill in the art at the time of the invention to provide such apertures/openings and to provide one or more razor cartridges permanently secured to the cap for the benefits described.

Claims that depend from a claim that is non-obvious are themselves necessarily non-obvious. Because claims 4 and 29 depend from claim 1, claim 36 depends from claim 32, and claims 47 and 48 depend from claim 45, and because claims 1, 32, and 45 are non-obvious (claim 45 being asserted to be non-obvious for the reasons presented above), claims 4, 29, 36, 47, and 48 are necessarily non-obvious. Applicants, therefore, respectfully submit that claims 4, 29, 36, 47, and 48 are allowable. Accordingly, Applicants respectfully request that the rejections of claims 4, 29, 36, 47, and 48 be withdrawn.

Applicants believe that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein are allowable. In view of the foregoing points

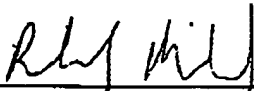
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that distinguish Applicants' invention from those of the prior art and render Applicants' invention novel and non-obvious, Applicants respectfully request that the Examiner reconsider the present application, remove the rejections, and allow the application to issue.

If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is invited to telephone the undersigned.

Applicants believe that no fees are due with the submission of this Amendment. If any charges are incurred with respect to this Amendment, they may be charged to Deposit Account No. 503342 maintained by Applicants' attorneys.

Respectfully submitted,

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